

Hearing Officer Transmittal Checklist

Hearing Date

7/15/2014

Agenda Item No.

2

Project Number: R2014-00890-(5)
Case(s): Conditional Use Permit Case No. 201400038
Environmental Assessment Case No. 201400080
Planner: Richard Claghorn

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☐ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2014-00890-(5)

HEARING DATE

July 15, 2014

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201400038
Environmental Assessment No. 201400080

PROJECT SUMMARY

OWNER / APPLICANT

Rick Hutton

MAP/EXHIBIT DATE

May 13, 2014

PROJECT OVERVIEW

The applicant, Rick Hutton, is requesting authorization for the sale of a full line of alcoholic beverages for on-site consumption in an existing bar in the C-3 (Unlimited Commercial) Zone. A Conditional Use Permit (CUP) is required for the sale of alcoholic beverages in the C-3 Zone, pursuant to Sections 22.28.210 and 22.56.195 of the Los Angeles County Code. The existing bar is currently closed, and a new CUP is required to reopen.

LOCATION

43840 Lake Hughes Rd., Lake Hughes

ACCESS

Lake Hughes Rd.

ASSESSORS PARCEL NUMBER(S)

3242-015-010, -011, & -012

SITE AREA

1.26 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Areawide General Plan

ZONED DISTRICT

Bouquet Canyon

LAND USE DESIGNATION

Commercial

ZONE

C-3 (Unlimited Commercial)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT (CSD)

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Alcoholic Beverage Sales Requirements)
 - 22.28.210 (C-3 Zone Uses Subject to Permit)
 - 22.44.143 (Elizabeth Lake and Lake Hughes Community Standards District)

CASE PLANNER:

Richard Claghorn

PHONE NUMBER:

(213) 974 – 6443

E-MAIL ADDRESS:

rclaghorn@planning.lacounty.gov

ENTITLEMENTS REQUESTED

- Conditional Use Permit 201400038 is required for the sale of a full line of alcoholic beverages for on-site consumption in an existing bar in the C-3 (Unlimited Commercial) Zone. A Conditional Use Permit ("CUP") is required for the sale of alcoholic beverages in the C-3 Zone, pursuant to Sections 22.28.210 and 22.56.195 of the Los Angeles County Code.

PROJECT DESCRIPTION

The permittee, Rick Hutton ("permittee"), is requesting authorization for the sale of a full line of alcoholic beverages for on-site consumption in an existing bar ("Project") on a property located at 43840 Lake Hughes Road, in the unincorporated community of Lake Hughes ("Project Site"), in the C-3 Zone. A CUP is required for the sale of alcoholic beverages in the C-3 Zone, pursuant to Sections 22.28.210 and 22.56.195 of the Los Angeles County ("County") Code. The existing bar is currently closed, and a new CUP is required to reopen. The permittee is proposing to have a pool table and juke box in the establishment.

SITE PLAN DESCRIPTION

The site plan for the Project, which was revised on May 13, 2014, depicts two parcels, Assessor's Parcel Number ("APN") 3242-015-010, which is the northerly parcel where the parking lot is located, and APN 3242-015-011, which contains the saloon/bar structure, a storage cabinet behind the saloon, a storage shed, a residence for the property manager, storage structures on the east part of the Project Site, and a fenced grass area east of the saloon. The fenced area contains a small platform for live entertainment performers and has been used in the past for this purpose.

A third contiguous parcel is owned by the permittee, which is APN 3242-010-012, located south of the saloon, but this parcel is not depicted on the site plan. There are no existing or proposed structures on this parcel. It could potentially be used as an expansion area or additional parking area in the future. A covenant to hold it as one parcel with the other two parcels has been recorded. Together, these three parcels comprise the Project Site. No changes are proposed to the physical layout of the property, and this permit is only for alcoholic beverage sales within the existing saloon. The permittee has agreed to provide an updated site plan that includes all three parcels, including the vacant parcel, that are part of the Project Site.

EXISTING ZONING

The subject property is zoned C-3.

Surrounding properties are zoned as follows:

North: A-2-2 (Heavy Agricultural, Two Acre Minimum Required Lot Area)
South: C-3
East: C-3
West: M-1 (Light Manufacturing) and C-3

EXISTING LAND USES

The Project Site is developed with a cocktail bar, a single-family residence and accessory storage structures.

Surrounding properties are developed as follows:

North: Vacant land, Single-family residences
South: Vacant land, Single-family residences, Retail store
East: Single-family residences, Vacant land, Multiple residences
West: Office, Gas Station (closed), Single-family residences

PREVIOUS CASES/ZONING HISTORY

Assessor's records indicate that three structures were built in 1947 on the property, including the commercial structure, residence and a storage structure. The property has reportedly been used as a bar since the 1940s, although there is no record of previous Regional Planning cases, with the exception of business license referrals. The property was zoned C-4 (Restricted Commercial) on July 1, 1958. The property was rezoned to C-3 (Unlimited Commercial) on February 8, 1974. A business license referral was approved on June 6, 2006 for the Crossroads Tavern, which had a Type 48 California Department of Alcoholic Beverage Control ("ABC") license. A previous approval for a business license referral was done on September 10, 1998. No CUP was required previously because the use was established prior to the CUP requirement for alcoholic beverage sales and it had previously maintained an ABC license. The business has been closed since 2012. Because the establishment closed for longer than three months and is now proposing to reopen, a CUP is now required pursuant to Section 22.56.195.A.4 of the County Code.

ENVIRONMENTAL DETERMINATION

County Staff recommends that this project qualifies for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Project does not involve any expansion of the previous use or any new development and is only to reopen the existing business.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Community Commercial land use category of the Antelope Valley Areawide General Plan ("Community Plan"). This designation is intended for a wide range of commercial uses. The Project involving the reopening of the bar use in the existing structure is therefore consistent with the land use plan.

The following policies of the General Plan are applicable to the proposed project:

- *General Plan General Policy 63: "Encourage the retention of jobs and investments in older urban areas and prevent losses to other counties, regions, and states". (Page I-26)*

The Project Site is not in an urban land use category, but it is within an older established rural community developed with urban densities and lot sizes. The reopening of this business will help to provide jobs and economic development in the community and will protect the investment of the property owner. Many of the businesses in Lake Hughes are vacant, so reopening of this business may encourage further economic development opportunities and investment on underutilized neighboring commercial properties.

- *General Plan Land Use Element Policy 9: "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls." (Page III-12)*

The bar provides a convenient place for residents in the community to consume alcoholic beverages, enjoy recreation and socialize. There are no similar establishments nearby. The bar has been a community gathering place for decades and its scale and design are compatible with the community character.

The following policies of the Community Plan are applicable to the proposed project:

- *Plan Policies for Lake Hughes-Elizabeth Lake: "Existing commercial areas are also recognized on the Plan...However, properties zoned C-3 or C-3-CRS shall not be used for multi-family residential uses in excess of 1 dwelling unit per acre, nor shall any structure exceed a height of 2 stories." (Page IV-6)*

The Community Plan encourages low density residential uses within commercial areas not to exceed one dwelling unit per acre. The residence on the Project Site is consistent with this policy because the overall Project Site exceeds one acre. None of the structures exceeds one story in height.

- *Lifestyle options policy 43: Promote and support efforts by public and private agencies and citizen groups to provide the opportunity for a choice of living, working, recreational, and cultural pursuits for all ages, incomes and ethnic groups. This choice should include a variety of housing densities, types, prices, rents, configurations, and sizes; employment opportunities (commerce, manufacturing, sales, professional, etc.); recreational activities (parks, theatres, indoor sports, amusement parks, bike paths, equestrian trails, etc.); and cultural facilities (museums, libraries, schools, etc.).*

The project provides a convenient option for local residents and persons working in or travelling through the area to purchase beverages of their choice, at a well-established community business. This use allows adults to participate in this type of commerce and consumption and provides increased lifestyle options.

Zoning Ordinance and Development Standards Compliance

Sales of alcoholic beverages in the C-3 Zone are allowed with a CUP, pursuant to Section 22.28.210, subject to the requirements of Section 22.56.195 of the County Code. The existing bar structure has an occupancy load of 56 persons based on the Building and Safety determination done on March 31, 2014. Based on the occupant load, 19 parking spaces are required for this use. Parking for this use is calculated at a ratio of one parking space per 3 occupants, pursuant to Section 22.52.1110 of the County Code. The site plan depicts 19 parking spaces in the parking area north of the building. These spaces are not striped and the parking area is mostly gravel. Although it has room for the required parking spaces, it does not meet current development standards as set forth in Section 22.52.1060 of the County Code, including paving and other standards.

A CUP is required for a single-family residence in the C-3 Zone, pursuant to Section 22.28.210 of the County Code. However, at the time the residence was built in 1947 there was no such requirement. There is no termination date for this legal nonconforming residence, pursuant to Section 22.56.1540.C of the County Code. Parking for the residence is provided on a concrete driveway leading to the residence, but no covered parking spaces are provided. No covered parking spaces are required since the property is greater than one acre in size. Because no expansion in occupancy load or other changes to the property are proposed, and because the existing uses on the property are considered to be legal nonconforming, the Project Site can remain as it is, without a need to comply with current development standards, pursuant to Section 22.56.1510.A of the County Code.

Site Visit

A site visit was conducted on May 15, 2014 by DRP staff. The Project Site was found to be consistent with the site plan. Staff took photographs of the Project Site, which are included in the hearing package.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.090 and 22.56.195.B of the County Code. The Burden of Proof statements with the applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof requirements. According to the available information there are no other premises selling alcoholic beverages within 500 feet of the property, and therefore there is no undue concentration of establishments selling alcoholic beverages according to Section 22.56.195.B.3 of the County Code. However, the California Department of Alcoholic Beverage Control (ABC) defines undue concentration based on the population of the census tract and the number of existing licenses in the tract. The Project Site is in 2010 Census Tract 9201.02, and a maximum of five on sale licenses are allowed by ABC within the tract. However, there are already seven existing on sale ABC licenses in the tract. Since the number of existing on sale ABC licenses in the census tract exceeds the ABC limit, they require a Letter of Public Convenience or Necessity.

Based on the lack of similar premises within 500 feet and within the wider Lake Hughes community, and based on the historic use of this property as a cocktail bar, Regional

Planning staff believes this use qualifies for a Letter of Public Convenience or Necessity.

Neighborhood Impact/Land Use Compatibility

The intended cocktail bar use is consistent with the existing zoning and land use category and the historic use of the property. Reopening of this use will provide a place for area residents and visitors to gather for social and recreational activities. The permittee has also expressed a desire to have occasional live entertainment charitable fundraising events in the fenced area outside the bar. Approximately 120 persons could be accommodated in this area according to the applicant. Such events could potentially be allowed through the Temporary Use Permit process, subject to the requirements of Part 14 of Chapter 22.56 of the County Code.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received a letter from the Los Angeles County Sheriff ("Sheriff") on June 4, 2014, which contained a recommendation of approval for this CUP, subject to the conditions contained in the letter. According to the Sheriff's letter the previous owners of the bar were cited by ABC for violation of license privileges resulting in a license suspension. Records from ABC show that the license was suspended for a period of five days in September 2012. The bar remains closed to this day. The Sheriff's letter reported that the Sheriff's Department responded to six calls for service to the Project Site over the past five years. There were two calls regarding burglaries to the establishment, including the theft of money and bar stools. There were also two instances of patrons fighting and one report of a patron causing a disturbance. The other incident was a motorcycle accident in the street adjacent to the Project Site.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. All neighboring property owners within 1,000 feet of the Project Site were notified by mail, including 113 different owners. Additionally, the case materials were available on Regional Planning's website and at the Quartz Hill Library. A total of 14 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Bouquet Canyon Zoned District.

PUBLIC COMMENTS

Staff has received two comments from members of the public since the notices were sent. Both of them were in favor of the Project.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00890, Conditional Use Permit Number 201400038, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400038 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Richard Claghorn, Principal Regional Planning Assistant, Zoning Permits North Section

Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Letter from Sheriff

Site Photographs, Aerial Image

Site Plan, Land Use Map

PM:RC

7/1/14

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00890-(5)
CONDITIONAL USE PERMIT NO. 201400038**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on July 15, 2014, in the matter of Project No. R2014-00890-(5), Conditional Use Permit No. 201400038 ("CUP").
2. The permittee, Rick Hutton ("permittee"), requests a Conditional Use Permit to authorize the sale of a full line of alcoholic beverages for onsite consumption within an existing cocktail bar ("Project") on a property located at 43840 Lake Hughes Road in the unincorporated community of Lake Hughes ("Project Site") in the C-3 (Unlimited Commercial) Zone pursuant to County Code Sections 22.28.210 and 22.56.195.
3. The Project Site is one parcel of 1.26 acres in size. The Project Site was previously three parcels, each one with an area of 0.42 acres, but a Covenant and Agreement to Hold Property as One Parcel was recorded on June 2, 2014. The structures are located on Assessor's Parcel Number (APN) 3242-015-011. The parking area is on APN 3242-015-010. The Project Site also includes APN 3242-015-012, a vacant parcel to the south that was tied with the other parcels. The Project Site is located at the southeast corner of Elizabeth Lake Road and Lake Hughes Road and is irregular in shape. The site is mostly flat except for a slope between the parking area and Elizabeth Lake Road. The Project Site is developed with a cocktail bar structure, parking area, a single-family residence, and accessory storage structures for the bar and the residence.
4. The Project Site is located in the Bouquet Canyon Zoned District and is currently zoned C-3.
5. The Project Site is located within the Community Commercial land use category of the Antelope Valley Areawide General Plan ("AV Plan") Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-2-2 (Heavy Agricultural, Two Acre Minimum Required Lot Area)
 - South: C-3
 - East: C-3
 - West: M-1 (Light Manufacturing) and C-3
7. Surrounding land uses within a 500-foot radius include:
 - North: Vacant land, Single-family residences
 - South: Vacant land, Single-family residences, Retail store
 - East: Single-family residences, Vacant land, Multiple residences

West: Office, Gas Station (closed), Single-family residences

8. The Project Site is accessible via Lake Hughes Road to the west. Ingress and egress to the parking lot on the Project Site is provided by a driveway accessing Lake Hughes Road. There is a separate driveway entrance for the residence located further south on Lake Hughes Road.
9. The Sheriff recommends approval of this Project subject to conditions recommended in a letter from June 4, 2014.
10. The occupant load for the bar, as determined by the Department of Public Works Building and Safety Division on March 31, 2014, is 56 persons.
11. The cocktail bar structure, residence and a storage structure were built in 1947 according to Assessor's records. The property has been used as a bar in the past and has been closed since 2012. The property was developed before current parking standards. The parking lot for the bar is not paved or striped but it can accommodate 19 automobiles. Based on the occupant load, 19 parking spaces are required.
12. No changes to the parking area or structures are proposed. The permittee is therefore not required to pave the parking area or bring it up to current standards, pursuant to Section 22.56.1510.A of the County Code. Because the use was legally established prior to the current development standards and because no expansion or other changes are proposed, the property may remain in its existing condition.
13. Regional Planning staff determined that the Project qualified for a Class 1 (Existing Facilities) categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages in an existing cocktail bar, with no expansion of use beyond that which was previously existing.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. Two comments have been received from the public at this time. Both of them were in favor of the Project.
16. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
17. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Antelope Valley Area Plan ("AV Plan"), a component of the General Plan. Both the General Plan and the AV Plan contain policies to ensure compatibility of

development with the surrounding area. The General Plan seeks to "promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and location controls." (General Plan Land Use Element, pgs. III-12.) The Project is located within an existing bar, which provides a convenient place for residents and visitors to the community to consume alcoholic beverages and socialize in a building that has historically been used for this purpose and is an established part of the community. The AV Plan also contains policies relevant to the Project. Lifestyle options policy 43 states *"promote and support efforts by public and private agencies and citizen groups to provide the opportunity for a choice of living, working, recreational, and cultural pursuits for all ages, incomes and ethnic groups. This choice should include a variety of housing densities, types, prices, rents, configurations, and sizes; employment opportunities (commerce, manufacturing, sales, professional, etc.); recreational activities (parks, theatres, indoor sports, amusement parks, bike paths, equestrian trails, etc.); and cultural facilities (museums, libraries, schools, etc.)."* The project provides a convenient option for local residents and persons working in or travelling through the area to purchase beverages of their choice at a well-established community business. This use allows adults to participate in this type of commerce and consumption and provides increased lifestyle options.

18. The Hearing Officer finds that the proposed use is consistent with the C-3 zoning classification because the sale of alcoholic beverages is permitted in the C-3 Zone with a CUP pursuant to Sections 22.28.210 and 22.56.195 of the County Code.
19. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 and the additional alcohol burden of proof findings in Section 22.56.195.B of the County Code.
20. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The proposed use is a continuation of the previous use of the property and is an established part of the community. It provides a recreational venue for the community and will not endanger or jeopardize the general welfare as long as it is operated according to the applicable regulations and requirements, including the CUP conditions, requirements of the Sheriff's Department and requirements of the Department of Alcoholic Beverage Control.

The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The Project is consistent with applicable development standards in the C-3 Zone and the Elizabeth Lake-Lake Hughes CSD, as set forth in Sections 22.28.220 and 22.44.143 of the County Code. The Project Site has adequate space to provide parking as required by current requirements and this parking area has served the

business in the past. Although the parking area is unpaved and does not meet all development standards, the use was established prior to current development standards and is not being expanded or modified. Therefore it is not required to be brought into compliance with current parking standards at this time, pursuant to Section 22.56.1510.A of the County Code.

21. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required. The Project Site has access to Lake Hughes Road, which is adequate to serve the intended use.
22. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. The Project Site is located on a major thoroughfare that is developed with a mixture of commercial and residential uses. A small church is located within a commercial building across the street. Single-family residences, vacant land, and small commercial uses are located in the vicinity of the Project Site.
23. The Hearing Officer finds that the project is consistent with all applicable sections of the Elizabeth Lake and Lake Hughes Community Standards District ("CSD"). The CSD prohibits the sale of alcoholic beverages for off-site consumption, with the exception of renewals for existing permits, within 1,000 feet of a legally established public or private school, family child care home, or child care center. There are no schools, family child care homes, or child care centers within 1,000 feet of the Project Site according to a database search for such uses and other available land use information. This CSD requirement applies only to alcoholic beverage sales for off-site consumption, so it would not apply to the Project even if there were any of the listed uses within the vicinity.
24. The Hearing Officer finds that, based on the available information, there are no other establishments within 500 feet of the Project Site selling alcoholic beverages. Therefore, there is no undue concentration of similar premises based on the requirements of the County Code.
25. The Project Site is located in Census Tract No. 9201.02. The Hearing Officer finds that based on information from ABC, a total of five "On Sale" licenses for the sale of alcoholic beverages are allowed within this census tract, and seven such licenses exist. Therefore, there is an undue concentration of licenses in the census tract, and the Project will contribute to an over-concentration of licenses within the census tract pursuant to the provisions of ABC. The Hearing Officer finds that based on the information provided, the Project Site is not located within a high-crime reporting district. The crime-reporting district for the subject community is District No. 2656. In 2012, the average number of offenses per district Countywide was 85.7 criminal offenses. An area is considered "high crime" pursuant to ABC provisions if 120 percent of the average criminal offenses occur, which would be 103 offenses. The reported offenses for this district total 20, which is significantly lower than average, so this area is not considered to be a high-crime reporting district. However, due to

the number of licenses in the tract, ABC requires a finding of public convenience and necessity in order to issue the alcohol license. The Sheriff's Department was consulted and reported that there have been six calls for service at the project site in the past five years. The Sheriff's Department recommended approval of the CUP subject to compliance with certain conditions. The Hearing Officer finds that the Project will provide a public convenience and necessity by providing a convenient location for customers to purchase alcoholic beverages within an existing cocktail bar.

26. The Hearing Officer finds that the requested use will not adversely affect the economic welfare of the nearby community. The reopening of this business is expected to have a positive economic effect on the community.
27. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures in the vicinity, and that it will not cause blight or deterioration or substantially diminish or impair property values in the neighborhood. No changes are proposed in the exterior appearance of the Project Site.
28. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Quartz Hill Library. On June 3, 2014, a total of 113 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 14 notices to those on the courtesy mailing list for the Bouquet Canyon Zoned District.
29. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features

prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
2. Approves Conditional Use Permit No. 201400038, subject to the attached conditions.

ACTION DATE: July 15, 2014

PMC:RC
July 1, 2014

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00890-(5)
CONDITIONAL USE PERMIT NO. 201400038**

PROJECT DESCRIPTION

The project is a CUP ("Conditional Use Permit") to authorize the sale of a full line of alcoholic beverages for onsite consumption within an existing cocktail bar ("Project") on a property located at 43840 Lake Hughes Road in the unincorporated community of Lake Hughes ("Project Site") in the C-3 (Unlimited Commercial) Zone pursuant to County Code Sections 22.28.210 and 22.56.195, subject to the following conditions:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial

deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on July 15, 2019.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new CUP application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within sixty (60) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, the sale of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **five (5) annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **September 15, 2014**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. This grant shall authorize the sale of a full line (beer, wine, and spirits) of alcoholic beverages for on-site consumption in association with a cocktail bar.
20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
21. Loitering around the establishment and in the parking area shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic

beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend within 60 days of employment. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

23. Under no circumstances may a minor under 21 years of age be permitted inside or be employed to work at this establishment, except under the provision of Section 25663.5 BP.
24. The storage areas used to store alcoholic beverages shall be secured by padlocks and shall remain locked when not in use. Storage areas shall be connected to a monitor alarm system when the business is closed.
25. Pursuant to regulations and restrictions of the "Type 48" license, clearly visible signs shall be posted at each public entrance and at least one sign shall be posted inside, stating that no one under the age of 21 is allowed inside.
26. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
27. Pursuant to Section 25612 (3) BP, alcoholic beverages are forbidden to be consumed outside the edifice of the establishment. The owners and their agents shall ensure compliance with this section.
28. No sale of alcoholic beverages shall be made from a drive-in window.
29. Pursuant to Section 25612.5 (4) BP, exterior lighting should remain in compliance with local ordinance and with respect to local residences. However, lighting should be directed so as to illuminate the perimeter of the establishment and the parking lot and be of sufficient quality so that persons standing in these areas at night are identifiable by law enforcement personnel. This is to deter loitering and to allow the clear visibility of possible nefarious behavior.
30. Security cameras shall be positioned to cover the entrance and exit of all patrons, all shelf space and refrigeration space devoted to alcohol storage, and the cash register area. Cameras shall also cover the room in which the pool table will be located. Additionally, exterior cameras shall cover parking areas and areas where the public may congregate. The system must be able to store 30 days of digital recordings for all cameras. Cameras must record in color and be of a quality to discern facial features, clothing patterns and differences in color hues, at a distance of at least 15 feet.

31. Pursuant to Section 25612.5 (10) BP, a copy of the applicable operating standards shall be available during normal business hours for viewing by the general public.
32. Alcohol sales are limited to business operating hours, except that any alcohol sales shall be further limited by the lawful hours for the sale of alcoholic beverages pursuant to California state law or as further limited at this location by the California Department of Alcoholic Beverage Control ("ABC")
33. In the event of a violation reported to ABC, the permittee shall notify Regional Planning of the violation within 30 days of disciplinary action, and if an investigation by ABC results in suspension or revocation of license.

Attachments:

Sheriff's Department letter from **June 4, 2014**

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
PALMDALE STATION
750 East Avenue Q
Palmdale, California 93550
661-272-2400

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2014-00890
Permit No.: CUP 201400038
Establishment: Lucky Day's Cocktail Bar
Location: 43840 Lake Hughes Rd., Lake Hughes, CA 93532
Description: License Type 48-On-sale General Public Premises

(1) Summary of service calls and crime history for the project site over the last five years:

It should be noted this establishment was closed as of March 2018. Previous owners had been cited by the State Department of Alcoholic Beverage Control (ABC) for "violation of license privileges", which resulted in license suspension. The establishment remains closed to this day.

The Sheriff's Department responded to six (6) calls for service over the past five years. There were two calls regarding burglaries to the establishment; one involved the theft of money and the other involved the theft of bar stools. In both of these cases, the suspects were known. There were two incidents of patrons fighting and one incident of a patron causing a disturbance. The additional incident was a traffic accident involving a motorcycle, which occurred in the street.

(2) Comments/recommended conditions:

The location is a full service bar with tables and booths. There is a separate room which will contain a pool table. The establishment is located on the corner of Lake Hughes Road and Elizabeth Lake Road. This is a secluded area with abandoned businesses and a small church across the street. The establishment backs up to a residential area.

As stated above, the location has been closed for almost two years. Past owners have cited the location to be "Crossroads Tavern, Inc.". This entity has been suspended by the California Secretary of State and the new owner is "Crossroads Tavern, LLC" doing business as "Lucky Day's Cocktail Bar". No liquor is listed as being sold or served.

Storage of alcohol is located outside the establishment. There is a ramp located directly behind the building located on the left side of the building. There is a second storage area located in a building approximately 25 feet from the rear of the establishment. This building is used by a padlock. The Sheriff would request that the storage areas remain locked during business hours. When not in use, conditionally, the Sheriff would request the storage areas be kept locked during business hours when the business is closed.

Pursuant to regulations and restrictions of the "Type 48" license, clearly visible signs shall be posted at each public entrance and at least one sign shall be posted inside, stating that no one under the age of 21 is allowed

SHERIFF RESPONSE FORM

Inside:

Pursuant to Section 25612.5(1) of the Business and Professions Code (BPC), the Sheriff would request additional signage outside the establishment prohibiting left-hand turning, left-hand lane use and left-hand parking.

Pursuant to Section 25612.5(2) BPC, alcoholic beverages are forbidden to be consumed outside the establishment. The Sheriff would request the establishment to post signs and the license to be obtained in compliance with Section 25612.5(2) BPC.

Pursuant to Section 25612.5(3) BPC, exterior lighting should remain in compliance with local ordinance and with respect to local residences. However, lighting should be adequate to illuminate the perimeter of the establishment, provide parking lot and be of sufficient quality so that persons standing in the areas are identifiable by law enforcement personnel. This is to deter and prevent and to allow the identification of possible dangerous behavior.

Exterior surveillance camera system has already been installed. According to Mr. Huron, this is able to monitor all cameras remotely via internet. The Sheriff would request four cameras be positioned to cover the entry and exit points, the outdoor space and the interior space devoted to alcohol storage and the cash register area. Cameras should also cover the room in which the pool table will be located. Additionally, exterior cameras should cover parking areas and areas where the public may congregate. The system must be able to store 30 days of digital recordings for all cameras. Cameras must be color and be of a quality to discern facial features, clothing patterns and differences in color hues, at a distance of at least 25 feet.

All employees must attend a "Licensee Education on Alcohol and Drugs" (LEAD) class approved by ABC within 60 days of employment. Under no circumstances may a minor under 21 years of age be permitted inside or be employed to work at this establishment, except under the provision of Section 25663.5 BPC.

The Sheriff would request this permit be valid for a period of five (5) years from the date of approval. A re-evaluation will be conducted at that time to determine further approval of this Conditional Use Permit.

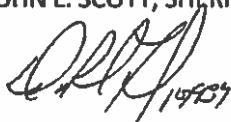
Pursuant to Section 25612.5(10) BPC, "A copy of the applicable operating standards shall be available during normal business hours for viewing by the general public."

(3) Overall recommendation:

☒ Sheriff recommends approval of this CUP.

☐ Sheriff does NOT recommend approval of this CUP.

JOHN L. SCOTT, SHERIFF



Don P. Ford, Captain
Palmdale Station



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.04D, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The Proposed location provides a recreational venue to a rural area and does affect on either general welfare

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The lot is of adequate size for use.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

There are two Roads leading to site and it sits near an intersection and would not cause any traffic



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 48 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

AS A BUSINESS THAT HAS ALREADY OPERATED FOR OVER 20 YEARS, THIS RESTAURANT HAS ALREADY DEMONSTRATED THAT IT WILL NOT ADVERSELY AFFECT ANY OF THE ABOVE LOCATIONS

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

USE IS WITHIN AN ALREADY ESTABLISHED RETAIL COMMERCIAL AREA. The residents surrounding this center are well accustomed to these activities. the continued use is well matched to this area

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

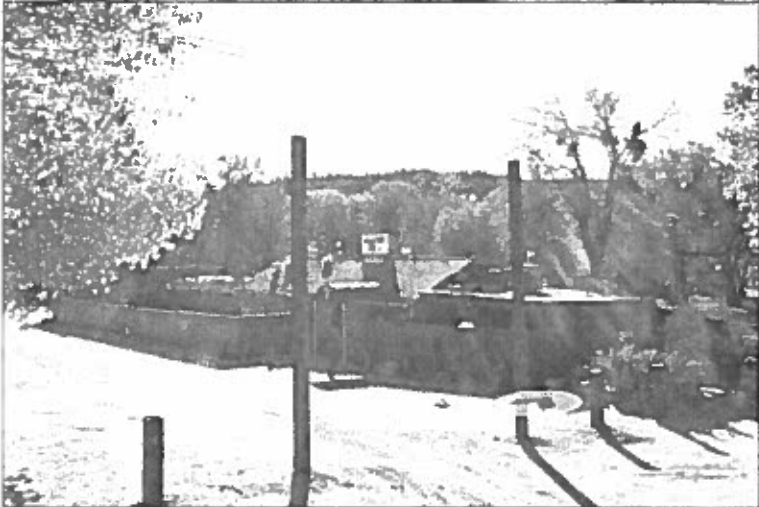
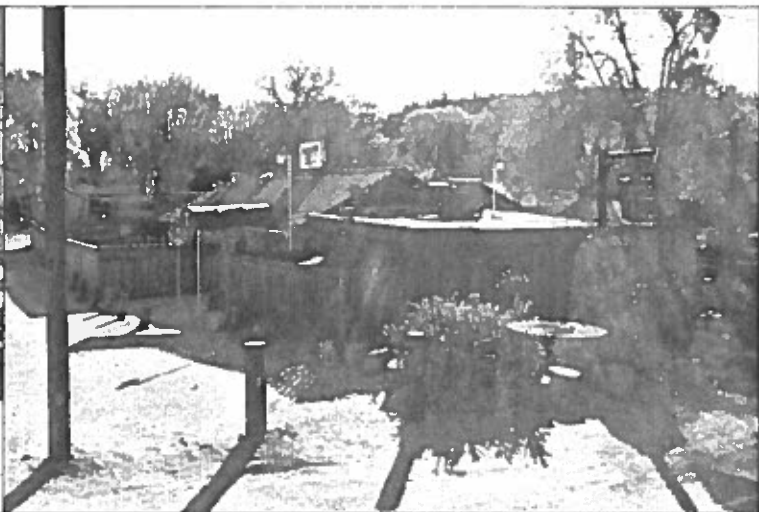
The requested use will not result in an undue concentration of similar premises.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The requested use will ENHANCE the economic welfare of the community

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

NO NEW CONSTRUCTION. ALL EXISTING AND ALREADY APPROVED STOREFRONT TO REMAIN





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R2014-00890

Printed: Apr 28, 2014

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OCCUPANT LOAD CALCULATION						
Area	USE	SQ. FT.	LOAD FACTOR	PROPOSED OCCUPANT LOAD	MAXIMUM OCCUPANT LOAD	DEFERRED OCCUPANT LOAD
A	DINING	410	Food as serving	74		
B	POOL ROOM	330	11 rect	30		
C	Food Prep. Dish Wash. Storage, Fridge freezer	295	200 gross	2		

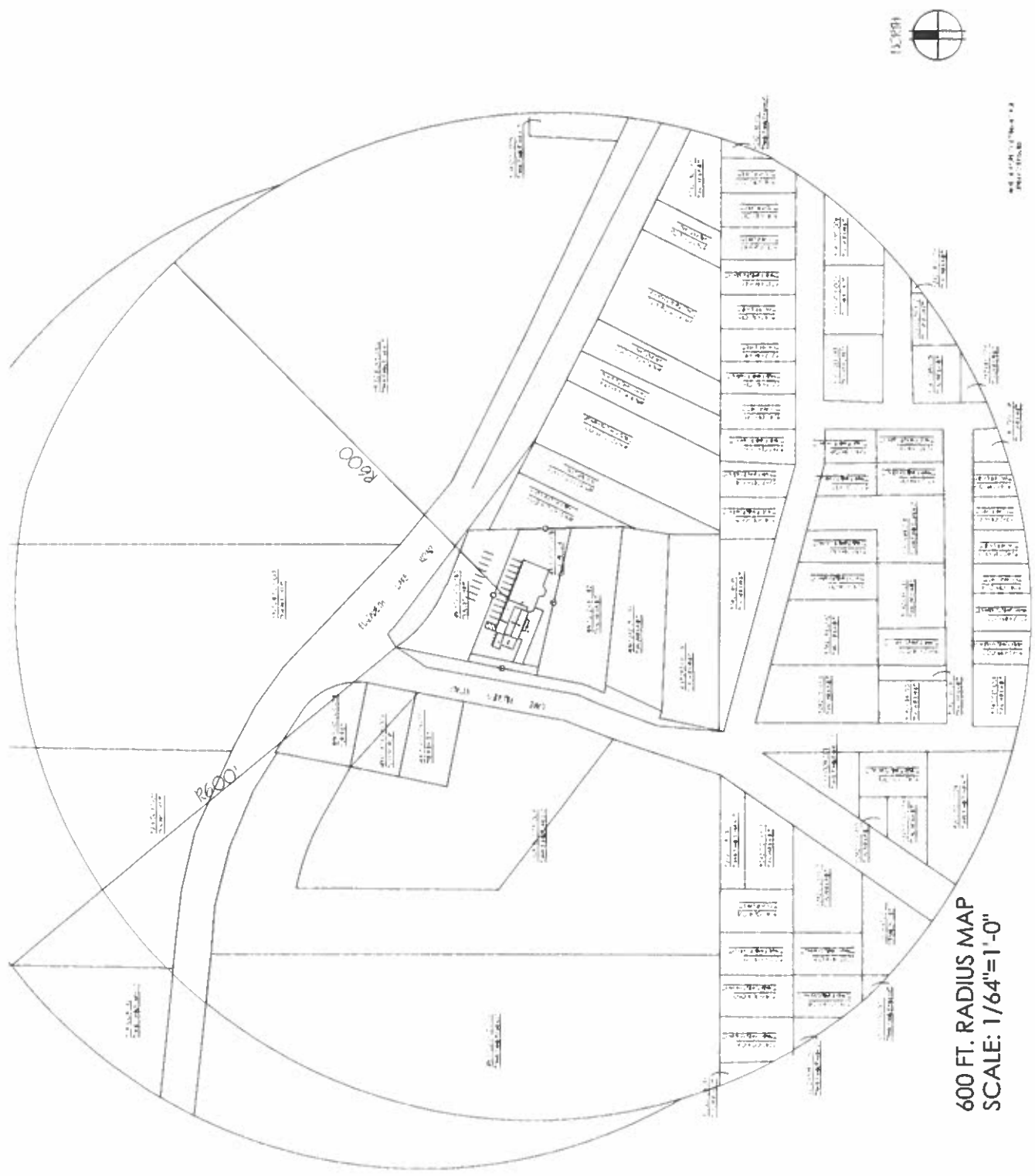
SHEET
11.2

1/4" = 1'-0"
PLAN

LOS ANGELES DESIGN GROUP
OFFICE (323) 856-1066
6601 Center Drive West, Ste. 500 Los Angeles CA 90045
www.LosAngelesDesignGroup.com

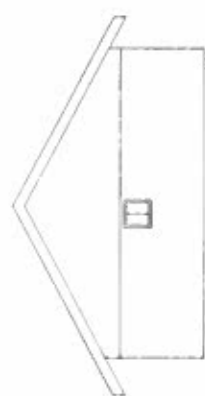
DATE: 01/11/11
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

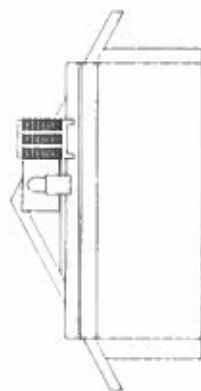


600 FT. RADIUS MAP
SCALE: 1/64"=1'-0"

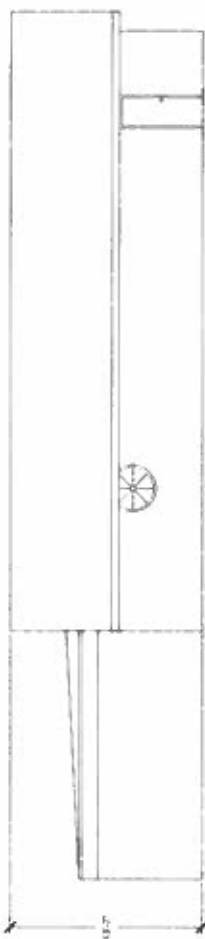
FLOOR PLAN
SCALE: 3/8" = 1'-0"



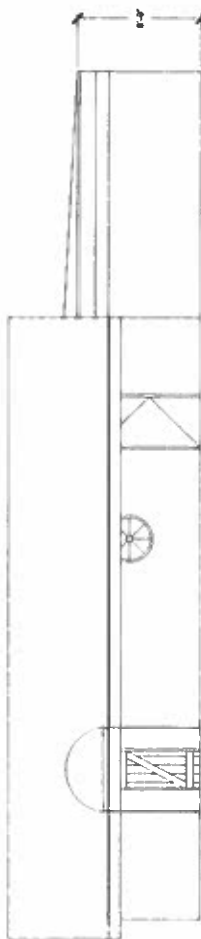
WEST ELEVATION
SCALE 1"=1'



EAST ELEVATION
SCALE $\frac{1}{4}"=1'$



SOUTH ELEVATION
SCALE 1"=1'



NORTH ELEVATION
SCALE $\frac{1}{4}"=1'$